

Sentencing and Corrections: Exploring Major Issues

By Jeremy Travis and Larry Meachum

Corrections in America today is fragmented and fracturing. There is no longer a "standard approach." What seems at first glance to be a nearly monolithic set of tough-on-crime policies is really illusory. Some states have abolished parole, but some retain it. Some have presumptive sentencing guidelines, while others have a voluntary system. In a climate favorable to determinate sentencing, the indeterminate approach remains widespread. What's more, policies developed in the get-tough climate are being challenged by new approaches based on premises that do not share the assumptions of our current, essentially retributive system of justice.

With such a complex picture, it is not easy to discern the goals of sentencing policy. The people who develop and carry out these policies are acutely aware that what happens in sentencing and corrections has enormous consequences, not only for resource allocation but also — more fundamentally — for the quality of justice and for public safety. The size of the population under some form of correctional supervision, now approaching 5.9 million, is the most obvious consequence. Helping policy-makers sort out the salient issues could go a long way to maximize their effectiveness.

The Issues

To help policy-makers decide if there is a better way to think about sentencing and corrections, the National Institute of Justice (NIJ), the research arm of the Justice Department, along with the Justice Department's Corrections Program Office (CPO), has been holding a series of "executive sessions" to discuss these issues. The goal of the five sessions, which began in 1998 and continue into this year, is to explore the purposes and functions of sentencing and corrections and their interdependence.

Practitioners and prominent scholars, who represent a broad cross sec-

tion of points of view, come together in the sessions to examine a vast array of issues, including the decline of indeterminate sentencing, the erosion of judicial discretion, the eclipse of parole boards and the increased attention paid to risk-based sentencing. They also look at whether it is possible to reduce disparity in sentencing while accommodating differently situated offenders, how the imperative of public safety can be reconciled with the need for offender rehabilitation, how to deal with the "re-entry" process and whether the justice system adequately provides for participation by victims and affected communities.

Fruits of the Discussions

To get the results of the discussions into the hands of the people who can use them as soon as possible, NIJ and the CPO have released the first four papers from the sessions. They consist of an overview of the fragmented state of sentencing and corrections today, an exploration of the essentially contradictory sentencing structures that coexist uneasily, an inquiry into whether "restorative" initiatives can be integrated into the current system of justice, and a proposal for reforming sentencing and corrections to better ensure public safety.

These first four papers are intended as a conceptual framework or context for the topics dealt with in subsequent papers. NIJ anticipates publishing the full series of discussions — as many as 16 papers — in the coming months. Four papers are targeted for publication in June.

Is There a Better Way?

In the 1980s and 1990s, NIJ and Harvard's Kennedy School of Government sponsored a series of "executive sessions" on policing with a similar goal — to help policy-makers sort through the tangle of seemingly impenetrable issues so they could examine the

strengths and weaknesses of modern policing and law enforcement. It's been suggested that those sessions played a role in conceptualizing what was at the time a new paradigm — community policing.

The current sessions are modeled after the policing seminars. Whether they will be instrumental in developing a new paradigm for sentencing and corrections remains to be seen. Today, there is an environment of openness to new ideas in sentencing and corrections, and it is hoped that the sessions and the papers they produce will promote further discussion and become a basic resource for policy-makers.

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Executive Sessions on Sentencing And Corrections Papers

Currently, there are four papers available:

- *The Fragmentation of Sentencing and Corrections in America*, by Michael Tonry (NCJ 175721).
- *Reconsidering Indeterminate and Structured Sentencing*, by Michael Tonry (NCJ 175722).
- *Incorporating Restorative and Community Justice into American Sentencing and Corrections*, by Leena Kurki (NCJ 175723).
- *Reforming Sentencing and Corrections for Just Punishment and Public Safety*, by Michael E. Smith and Walter Dickey (NCJ 175724).

Copies can be obtained from the National Criminal Justice Reference Service (NCJRS) by calling 1-800-851-3420 or writing to NCJRS, Box 6000, Rockville, MD 20849-6000. Copies also can be downloaded from the NIJ Web site at www.ojp.usdoj.gov/nij.